

LEE LITIGATION GROUP, PLLC

30 EAST 39TH STREET, SECOND FLOOR

NEW YORK, NY 10016

TEL: 212-465-1180

FAX: 212-465-1181

INFO@LEELITIGATION.COM

WRITER'S DIRECT: 212-465-1188
cklee@leelitigation.com

December 20, 2016

Via ECF

The Honorable Robert M. Levy, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Cando, et al. v. Big City Yonkers, Inc., et al.*
Case No. 16-cv-1154

Dear Judge Levy:

I write as Plaintiffs' counsel to oppose the pre-motion letter dated December 19, 2016, from Justin Swartz to the Court.

At the December 1, 2016 conference with Your Honor, the Court had already extended a significant courtesy to the *Robinson* plaintiffs' counsel, Troy Kessler, by allowing him to submit his motion for intervention by December 8, 2016. Such motion was submitted by Mr. Kessler. To allow a further briefing on an opposition to Plaintiffs' motion for preliminary approval would be duplicative and unnecessarily increase the cost of litigation for all parties. Moreover, the *Robinson* plaintiffs do not even have standing to oppose because they are not a party to the current lawsuit.

As detailed in Plaintiffs' motion for preliminary approval, the *Robinson* plaintiffs (and any class member) will not be prejudiced in any way because they still have an option to opt out or object prior to final approval.

As such I respectfully request that the Court deny Justin Swartz's request.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee

cc: all parties via ECF